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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,528	02/26/2004	Nattavut Smavatkul	CE10989J121	7734
7590 Scott M. Garrett Motorola, Inc. Law Department 8000 West Sunrise Boulevard Fort Lauderdale, FL 33322			EXAMINER BHATTACHARYA, SAM	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 04/08/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/789,528

**Applicant(s)**

SMAVATKUL ET AL.

**Examiner**

Sam Bhattacharya

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/25/08 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manzardo (US 6,452,946) in view of Ofer et al. (US 6,353,869) and Takashima et al. (US 2001/0013543).

Regarding claims 1 and 11, Manzardo discloses a method of performing a network transaction in a wireless local area network, including sending, from a polling station 72 to a polled station 74, a polling frame; receiving at the polling station, at least one delay frame, the at least one delay frame being transmitted by the polled station; receiving a subsequent non-delay frame from the polled station at the polling station. See FIG. 4 and col. 4, lines 10-32.

Manzardo fails to disclose that the at least one data frame is sent to prevent a repolling procedure by the polling station prior to sending the non-delay frame.

However, in an analogous art, Ofer discloses a system and method of adaptive delay of polling frequencies in which a data frame is sent to prevent a repolling procedure by the polling station 1c prior to sending the non-delay frame. See FIGS. 5 and 6, col. 10, line 46 – col. 11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Manzardo by incorporating this feature taught by Ofer for the purpose of reducing saturation problems in system resources.

Manzardo-Ofer fails to disclose delay and non-delay frames transmitted in response to polling frames. However, in an analogous art, Takashima discloses this feature in paragraph 135. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Manzardo-Ofer by incorporating this feature taught in Takashima for the purpose of minimizing the probability that the delay and non-delay frames are transmitted without a need for them to be.

Regarding claims 2 and 12, Manzardo discloses that sending the polling frame includes sending a data packet. See col. 5, lines 12-25.

Regarding claims 3 and 13, Manzardo discloses that the first delay frame of the at least one delay frame includes an acknowledgment indicating receipt of the data packet. See col. 6, lines 6-13.

Regarding claims 4 and 14, Manzardo discloses that receiving the subsequent non-delay frame includes receiving a data packet. See col. 5, lines 12-25.

Regarding claims 5 and 15, Manzardo discloses after receiving the data packet, transmitting an acknowledgment, from the polling station to the polled station, indicating receipt of the data packet. See col. 3, lines 23-39.

Regarding claims 6 and 16, Manzardo discloses that the method is performed by a mobile terminal. See FIG. 4.

Regarding claims 7 and 17, Manzardo discloses that receiving the first delay frame of the at least one delay frame includes receiving an indication of a number of delay frames to be received by the polling station from the polled station. See col. 6, lines 6-13.

Regarding claims 8 and 18, Manzardo discloses that during an initial call set up transaction receiving at the polling station from the polled station an indication of the number of delay frames to be received by the polling station from the polled station in subsequent transactions. See col. 6, lines 6-13.

Regarding claims 9 and 19, Manzardo discloses that receiving the subsequent non-delay frame includes receiving a null frame. See col. 1, lines 51-67.

Regarding claims 10 and 20, Manzardo discloses, that receiving the at least one delay frame includes receiving a media access control address corresponding to the polled station. See col. 3, lines 23-39.

#### ***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571)272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/  
Examiner, Art Unit 2617